

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – MA&UD Department - Allegations of illegal and unauthorized construction of ground floor + one upper floor in the apartment land in the premises of Block No.22, A.P. Housing Board, Vignanapuri Colony, Vidyanagar, Hyderabad - Departmental action initiated against Sri P.Balachander Rao, the then Assistant Engineer and other officials of APHB, Hyderabad under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991 – Articles of Charges issued - Enquiry conducted – Charges “not proved” - Further action dropped - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.II) DEPARTMENT

G.O.RT.No. 439

**Dated: 01-10-2020.
Read the following:-**

- 1) From the General Administration (V&E) Department, Vigilance Report No.28 (237/V&E/D1/2006), dated.20.02.2008.
- 2) Show Cause Notice No.1440/B7/VO/2008, dated.05.09.2008 of Vice Chairman & Housing Commissioner, A.P. Housing Board, Hyderabad.
- 3) Explanation of Sri P.Balachander Rao, Assistant Engineer (Central Division), Hyderabad, dated.02.12.2009.
- 4) Appointment of Inquiry Officer vide proceedings No.1440/B7/VO/2008, dated.05.06.2012 of Vice Chairman & Housing Commissioner, A.P. Housing Board, Hyderabad.
- 5) Inquiry Report of Sri K.Mallikarjuna Rao, Executive Engineer & Inquiry Officer, A.P. Housing Board received through the VC&HC., A.P.H.B., Hyderabad, Letter No.1440/B7/V.O./2008, dated.21.08.2013.
- 6) Representation of Sri P.Balachander Rao, Deputy Executive Engineer (now retired), dated.27.12.2017 & 09.06.2018.
- 7) Govt. Letter No.1053216/UH/2018, MA&UD (UH) Department, dated.31.07.2018 & 10.01.2019.
- 8) From the Housing (VC) Department, Govt. of Telangana, Letter No.1308/VC.A1/2008-12, dated.23.01.2019.
- 9) Govt.Memo.No.1053216/Vig.II/2018, MA&UD (Vig.II) Department, dated.30.08.2019.
- 10) Written explanation of the charged officer Sri P.Balachander Rao, Deputy Executive Engineer (retired), APHB, dated.01.09.2019.

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ORDER:

Whereas, it has been brought to the notice of the Government by the Director General, G.A. (V&E) Department that, the Vigilance & Enforcement Department have conducted enquiry on the complaint petition regarding illegal and unauthorized construction of ground floor + one upper floor in the apartment land in the premises of Block No.22, A.P. Housing Board, Vignanapuri Colony, Vidyanagar, Hyderabad and in the reference 1st read above, they have recommended to initiate disciplinary action against Sri P.Balachander Rao, the then Assistant Engineer and other officials of A.P. Housing Board, Hyderabad.

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2. Whereas, in the reference 2nd read above, the Vice Chairman & Housing Commissioner, A.P. Housing Board, Hyderabad has issued show cause notice by framing the following charge against Sri P.Balachander Rao, the then Assistant Engineer:

"That Sri P.Balachander Rao, Asst. Engineer of South Division, APHB failed in his duty of reporting unauthorized construction to his superior officer in the initial stage and he could only demolish temporary structure raised by Sri O.Mukunda Rao, on 7.1.2001 and did not demolish RCC structure of Smt. P.Swarnalatha which shows his gross negligence, carelessness behavior in discharging his duties. Therefore he has to explain as to why disciplinary action should not be initiated against him in accordance with Rule-20(2) of APCS (CCA) Rules, 1991".

3. Whereas, in the reference 3rd read above, the charged officer has submitted his explanation and while stating among other things, he has denied the charges framed against him and requested to drop further action.

4. Subsequently, the Vice Chairman & Housing Commissioner, A.P. Housing Board, Hyderabad has appointed Sri K.Mallikarjuna Rao, Executive Engineer (Housing), North Division, APHB as an Inquiry Officer to inquire into the matter vide reference 4th read above.

5. In the reference 5th read above, the Inquiry Officer has submitted enquiry report and informed that, none of the staff A.P Housing Board have shown favoritism or partiality to towards any of the occupants of the block.No.22 at Vignanapuri and they have strictly complied the instruction/orders of the higher officials in discharging their official duties and having regard to the VC&HC report dated 03.11.2003, he considered that letter is taken as a "deposition" to come to a conclusion that Sri P.Balachander Rao, AE has discharged his duties as per the instructions of his superior officials and the failure cannot be attributed to him. Finally the inquiry officer came to a conclusion that, the charge leveled against Sri P.Balachander Rao, AE **cannot be proved** on the strength of the substantial evidences produced before him. The VC&HC, APHB has forwarded the inquiry report and requested to take necessary action in the matter.

6. Whereas, in the reference 6th read above, Sri P.Balachander Rao, Deputy Executive Engineer (now retired) has submitted a representation stating that, he has joined as Junior Housing Board Engineer on 11.03.1982 and after bifurcation of the State, he was allocated to the successor State of Andhra Pradesh and subsequently he was retired from service on 30.06.2017 from the A.P. Housing Board (Andhra Entity) on attaining the age of superannuation of 60 years. But, so far no pensionary benefits have been sanctioned / received, due to a pending disciplinary case i.e., negligence of discharging his duties while working as Assistant Engineer in APHB, Hyderabad. Except the said case, no other cases are pending with A.P. Housing Board entity.

7. In the reference 7th read above, the Housing Department, Telangana Secretariat, Govt. of Telangana has been requested to furnish the connected

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original records of disciplinary case pending against Sri P.Balachander Rao, the then Assistant Engineer (now retired), for further examination of the matter on the request of the individual for releasing of pension, gratuity, leave encashment and other pensionary benefits due to him in light of the Supreme Court Judgment and in view of the provisions of A.P. Revised Pension Rules, 1980.

8. Whereas, in the reference 8th read above, the Housing (VC) Department, Govt. of Telangana in their letter have forwarded the connected original file to the Govt. of Andhra Pradesh for taking further necessary action in the matter and requested to furnish the action taken report to them.

9. Whereas, in the reference 9th read above, Govt. after careful examination of the material available before Govt. and after following due procedure, accepted the findings of the inquiry report of the inquiry officer and communicated a copy of Enquiry Report to Sri P.Balachander Rao, the then Assistant Engineer (now retired) under Rule 21 (2) of APCS (CC&A) Rules, 1991 and directed to submit his written representation, if any, on the findings of the report of the Inquiry Officer. In reply, the charged officer has submitted his written explanation, accepted the inquiry report and requested to drop further action against him and release all the pensionary benefits at the earliest vide reference 10th read above.

10. Government after careful examination of the matter in detail duly taking into consideration the explanation put forth in his representation, hereby decided to drop further action against Sri P.Balachander Rao, the then Assistant Engineer, retired as Deputy Executive Engineer, A.P. Housing Board, as the charge was held not proved in the inquiry. Accordingly, the Government hereby drop further action against Sri P.Balachander Rao, the then Assistant Engineer, retired as Deputy Executive Engineer, A.P. Housing Board, as the charge was held not proved in the inquiry.

11. The Vice Chairman & Housing Commissioner, Andhra Pradesh Housing Board, Vijayawada shall take further necessary action in the matter, accordingly.

12. The receipt of the G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.SYAMALA RAO
SECRETARY TO GOVERNMENT

To
Sri P.Balachander Rao, Deputy Executive Engineer (retired),
A.P. Housing Board - **through** the VC&HC., APHB, Vijayawada.
The Vice Chairman & Housing Commissioner, A.P. Housing Board, Vijayawada.

Copy to:

The General Administration (V&E) Department, A.P., Vijayawada.
The General Administration (V&E) Department, Govt. of Telangana, Hyderabad.

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The Housing (VC) Department, Telangana Secretariat,
Govt. of Telangana, Hyderabad.

The Secretary to A.P. Vigilance Commission, 5th Block, A.P. Secretariat.

The Principal Accountant General (A&E), A.P., Vijayawada.

SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER.